

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ROMEL MOREHOUSE,

Plaintiff,

v.

Case No. 08-C-868

WILLIAM POLLARD, et al.,

Defendants.

ORDER

Plaintiff Romel Morehouse, who is proceeding pro se, lodged a civil rights complaint under 42 U.S.C. § 1983, alleging that his civil rights were violated. Plaintiff is currently incarcerated at Green Bay Correctional Institution.

Pursuant to 28 U.S.C. § 1915(b)(1), a prisoner plaintiff is required to pay the statutory filing fee of \$350.00 for a federal lawsuit. If a prisoner does not have the money to pay the filing fee up front, he or she can request leave to proceed *in forma pauperis* in order to pay the fee over time. To proceed with an action *in forma pauperis*, the prisoner must complete a petition and affidavit to proceed *in forma pauperis* and return it to the court with a certified copy of his or her trust account statement showing transactions for the prior six months. The court then assesses and, when funds exist, collects from the plaintiff at the time the action is filed an initial partial filing fee which is the greater of twenty percent of the average monthly deposits to or the average monthly balance

in the prisoner's trust account for the six-month period immediately preceding the filing of the complaint.¹

The clerk sent a letter to the plaintiff on October 15, 2008, indicating that plaintiff must either pay the filing fee or submit a petition to proceed *in forma pauperis*, along with an appropriate affidavit and certified copy of his prisoner trust account statement showing transactions for the prior six months. In response to the letter of the clerk, Plaintiff has not paid the filing fee or filed a petition to have the filing fees waived.

IT IS THEREFORE ORDERED that Plaintiff is given 21 days from the date of this order to either pay the \$350.00 filing fee or submit an appropriate Petition to Proceed *in forma pauperis*, Affidavit and certified copy of his institutional account statement, or show cause as to why he is unable to do so. Failure to take the requested action within 21 days will result in dismissal of his complaint without prejudice.

Dated this 21st day of November, 2008.

s/ William C. Griesbach

William C. Griesbach
United States District Judge

¹In no event will a prisoner be prohibited from bringing a civil action because he or she has no assets and no means by which to pay the initial partial filing fee. 28 U.S.C. § 1915(b)(4).